

DN A01475 US

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Response and Argument**Rejection of Claim 1 under 35 U.S.C. § 102(a) over US 6,812,283**

Claim 1 stand rejected under 35 U.S.C. § 102(a) as being anticipated over Duijzings, *et al.*, (WO 02/10222; equivalent document U.S. 6,812,283 relied upon for translation). Applicants have amended independent claims 1, 2, and 10 to include the limitation that the second polymer (of which the connecting phase is comprised) comprises at least one multi-ethylenically unsaturated second monomer, present as polymerized units, in an amount from 0.05 percent by weight to 100 percent by weight, based on the weight of the second polymer. Applicants assert that the amendment renders moot the reasons for rejection, and request the Examiner to pass claim 1 on to allowance.

Duijzings is directed to agglomeration of rubber particles, followed by addition of monoethylenically unsaturated monomer to the agglomerated particles and polymerization to form graft polymer. The graft polymer is designed to function as a compatibilizing layer on the surface of each rubber particle (referred to as the graft base in Duijzings). When the grafted agglomerate rubber particles are combined with a thermoplastic polymer under melt processing conditions, the graft polymer (see col 8, lines 45-55 of Duijzings) facilitates uniform distribution of the primary rubber particles in the thermoplastic polymer. To accomplish the compatibilizing function, the graft polymer must not be crosslinked. Consistent with that requirement, Duijzings repeatedly emphasizes the requirement that the monomers polymerized to form the graft polymer be monoethylenically unsaturated monomers (see col. 7, line 51 to col. 8, line 44 of Duijzings).

Rejection of Claims 1-4 and 8-10 under 35 U.S.C. § 102(b) over US 6,013,594

Claim 1-4 and 8-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated over Yang, *et al.*, (U.S. 6,013,594). Applicants have amended independent claims 1, 2,

DN A01475 US

PATENT

and 10 as noted *supra*. Applicants assert that the amendment renders moot the reasons for rejection, and request the Examiner to pass claims 1-4 and 8-10 on to allowance.

Applicants note that Yang uses polyvinyl alcohol as a dispersant in the suspension polymerization of the examples (col. 7). This is the only mention of polyvinyl alcohol, or any other material of this type, in the entire specification, including claims. Regardless of whether the polyvinyl alcohol is contained in the interstices among the primary polystyrene particles in the spray dried particle, applicants note that the polyvinyl alcohol contains, as polymerized units, no crosslinking monomer. As such, polyvinyl alcohol is not the second polymer of the connecting phase of the present invention as set forth in the amended claims.

Objection to Claims 5-7 as Dependent upon a Rejected Claim

Applicants submit that, based upon the amendment and arguments set forth *supra*, the objection to claims 5-7 is rendered moot, and request the Examiner to pass claims 5-7 on to allowance.

DN A01475 US

PATENT

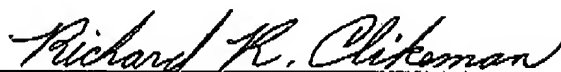
Conclusion

Applicants respectfully request the Examiner to:

- a) amend claims 1, 2, and 10;
- b) add new claims 11-20; and
- d) pass claims 1-20 on to allowance.

Respectfully submitted,

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RICHARD R. CLIKEMAN, Ph.D.

Agent for Applicants

Registration No. 51,329

ROHM AND HAAS COMPANY
100 Independence Mall West
Philadelphia, PA 19106-2399
Telephone : (215) 592-6758
Facsimile : (215) 592-2682